

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FAIR FIGHT ACTION, INC, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

Civil Action No.

1:18-cv-05391-SCJ

JOINT MOTION FOR BRIEF POSTPONEMENT OF TRIAL DATE

In its January 7, 2022, Order, ECF 686, the Court said it would consider a motion by lead counsel to move for a continuance of the February 7 trial date if either deemed a continuance necessary considering the surge in the Omicron variant of COVID-19. The Parties have conferred and hereby jointly move for a brief postponement in the trial date.

At the November 29, 2021, status conference the Court noted its strong preference to try this case in-person. The Parties are in lock-step agreement with the Court that this important case should be heard, as much as possible, in-person. But as the Court knows, both sides will call a number of witnesses, including witnesses who have their own COVID vulnerabilities or are primary caregivers to others with COVID vulnerabilities. Plaintiffs are particularly concerned about the voter witnesses—each of whom is coming forward voluntarily to tell a story about

their voting experience. When they came forward, they did so without the expectation that they could put their health—or the health of their families—at risk by telling their stories.

Accordingly, the Parties jointly move the Court to continue the trial date considering the risks posed by the Omicron variant of COVID. The Parties further request a status conference to select a new trial date. The Parties request a trial date as soon as practicable, recognizing the complexities of COVID and the Court's competing demands.

Respectfully submitted, this, the 14th day of January, 2022.

/s/ Joshua Barrett Belinfante

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **JOINT MOTION FOR BRIEF POSTPONEMENT OF TRIAL DATE** was filed with the Court using the ECF system, which will serve all counsel of record.

This, the 14th day of January, 2022.

/s/ Allegra J. Lawrence

Allegra J. Lawrence
GA Bar No. 439797